

**ORDER OF THE STATE PERSONNEL BOARD**

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MICHAEL R. HIGH,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,  
COLORADO WOMEN'S CORRECTIONAL FACILITY,

Respondent.

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The State Personnel Board (the "Board") met in public session on September 19, 2000. During this public session, the Board considered the record on appeal, including but not limited to:

1. Initial Decision of the Administrative Law Judge;
2. Respondent's Opening Brief; and
3. Complainant's Opening Brief.

**I. Review of Initial Decision of the Administrative Law Judge.**

The Board voted to adopt the findings of fact of the Administrative Law Judge ("ALJ") in the Initial Decision of the Administrative Law Judge, dated March 22, 2000, but to reverse the ALJ on one or more conclusions of law. The conclusions of law which the Board voted to reverse were: (1) Respondent's action was arbitrary, capricious or contrary to rule or law; and (2) the discipline imposed was not within the range of alternatives available to the appointing authority. The Board found that Respondent's action was not arbitrary, capricious or contrary to rule or law and that the discipline imposed was within the range of alternatives available to the appointing authority, since safety was an issue.

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, Ms. Snowden, and Ms. Lottner.

## **II. Attorneys Fees and Costs.**

The Board voted that each party was to be responsible for its own attorney fees and costs.

This order represents the affirmative vote of the following Board members: Ms. Hoffman, Ms. Daly, Ms. Snowden, and Ms. Lottner.

Dated this \_\_\_\_\_ day  
of September, 2000.

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Joy Hoffman  
Board Chair  
State Personnel Board  
1120 Lincoln Street, Suite 1420  
Denver, CO 80203

### **NOTICE OF APPEAL**

Each party has the following rights:

1. To abide by this decision of the State Personnel Board; or
2. To appeal this decision to the Colorado Court of Appeals within 45 days pursuant to Section 24-4106(11), C.R.S. (1999), as provided in Section 24-50-125.4(3), C.R.S. (1999).

In the event the decision is appealed, the Board requests that a copy of the Notice of Appeal filed with the Court of Appeals also be filed with the State Personnel Board at: 1120 Lincoln Street, Suite 1420, Denver, CO 80203. Such will aide in the timely preparation of the record.

### **CERTIFICATE OF MAILING**

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2000, I placed true copies of the foregoing ORDER OF THE STATE PERSONNEL BOARD, in the United States mail, postage prepaid, addressed as follows:

Michael R. High  
140 Coyote Circle  
Box 185  
Coal Creek, CO 81221

And in the interagency mail, addressed as follows:

Joseph Q. Lynch  
Assistant Attorney General  
Employment Section  
1525 Sherman Street, 5<sup>th</sup> Floor  
Denver, CO 80203

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